

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

MAR 3 2004

HARFORD COUNTY COUNCIL

Case No. 5409
Date Filed 3/2/04
Hearing Date _____
Receipt _____
Fee \$450.00

Shaded Areas for Office Use Only

Type of Application	CASE 5409 MAP 48 TYPE Variance
<input type="checkbox"/> Administrative Decision/Interpretation	ELECTION DISTRICT 3 LOCATION 709 Heston Court, Bel Air, Md. 21014
<input type="checkbox"/> Special Exception	BY John L. and Kelly C. Aksomitus
<input type="checkbox"/> Use Variance	
<input type="checkbox"/> Change/Extension of Non-Conforming Use	
<input checked="" type="checkbox"/> Minor Area Variance	Appealed because a variance pursuant to Section 267-36B, Table VI of the Harford County Code to
<input checked="" type="checkbox"/> Area Variance	allow an addition within the 30 foot rear yard setback (27 foot proposed) and a variance to allow an
<input type="checkbox"/> Variance from Requirements of the Code	addition to enlarge the existing garage within the required 25 foot front yard setback (proposed 16 foot)
<input type="checkbox"/> Zoning Map/Drafting Correction	in a R3/COS District requires approval by the Board.
<input type="checkbox"/>	

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name John Lee Aksomitus Phone Number 410-836-7967

Address 709 Heston Court Bel Air, MD 21014
Street Number Street City State Zip Code

Co-Applicant Kelly Collett Aksomitus Phone Number 410-836-7967
cell 410-459-5049

Address 709 Heston Court Bel Air, MD 21014
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 709 Heslon Court Bel Air, MD 21014
Rear adjacent to Brentwood Park Drive, Side adjacent to W. Farrow Ct.
Subdivision Brentwood Park Lot Number 58
Acreage/Lot Size .18 Election District 3 Zoning R3
Tax Map No. 48 Grid No. 1E Parcel 194 Water/Sewer: Private _____ Public ☒
List ALL structures on property and current use: Single family home, primary dwelling

Estimated time required to present case: 10 minutes
If this Appeal is in reference to a Building Permit, state number N/A
Would approval of this petition violate the covenants and restrictions for your property? NO
Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No ☒
If so, what is the Critical Area Land Use designations: _____
Is this request the result of a zoning enforcement investigation? Yes _____ No ☒
Is this request within one (1) mile of any incorporated town limits? Yes ☒ No _____

Request

We respectfully request, first, a variance to build a second bay onto an existing attached, single bay garage. This requires building into the side setback (25ft) by 9 feet. Secondly, a minor variance to build a family room to the rear of our home, replacing the existing deck. This requires building into the rear setback (30 ft) by 3 feet.

Justification

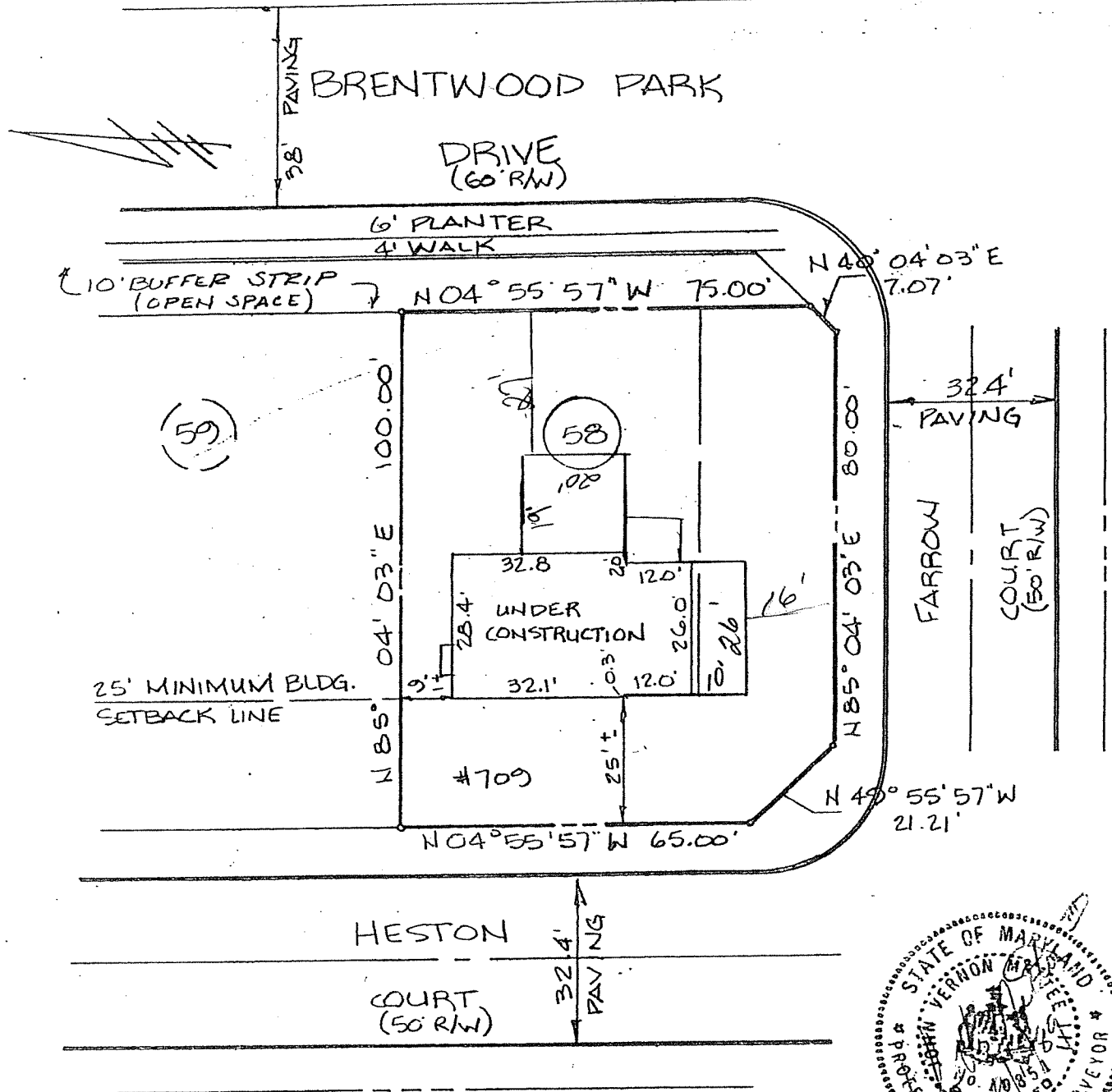
This property is unique as described in section 267-11, in that it is bordered by road on three sides and is subject to three setbacks. An additional garage bay would allow for storage of a personal car and belongings. This would also allow space for off street parking of an anticipated take home law enforcement vehicle. Two car garages dominate the neighborhood and this is our only option to add to our garage.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Justification cont.

In reference to the minor variance to build three feet into the rear setback to add a family room onto our home, again the uniqueness of the property is described in Section 26.7-11. The family room is necessary for additional living space, the current space is restrictive due to the size of our family (2 adults and 4 children ages 8, 8, 5, and 3). Since the property is bordered by roads on the rear and side there would be no impact on neighbors.

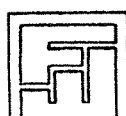
Survey of property known as #709 HESTON COURT also known as Lot# 58 as shown on Plat of FINAL PLAT - SECTION 2 - BRENTWOOD PARK and recorded among the Land Records of HARRFORD County in Plat Book 59 Folio 88 . The Lot shown hereon appears on the FEMA-Flood Rate Map-Community Panel No. 240040 091A (effective date 3/2/83) and is situated within Zone 'C' and not within 100 year flood plain, as shown on said map. The information on this plat shows only that the improvements indicated hereon are located as shown within the outlines of the lot upon which they are erected, and is not to be construed as an establishment of property line.



BK. BRENT #9 PG. 37

SCALE 1" = 30'	DATE 9-11-89
DR. BY LW	CH. BY JYM
PLAT NO.	JOB NO.

FREDERICK VARD ASSOCIATES, INC.



ENGINEERS-ARCHITECTS-SURVEYORS

5 SOUTH MAIN STREET

BEL AIR, MARYLAND 21014-0310

LOCATION OF EXISTING
STRUCTURE - LOT # 58
FINAL PLAT - SECTION 2
BRENTWOOD PARK
THIRD ELECTION DISTRICT

JAMES M. HARKINS

HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



J. STEVEN KAI-ZIEGLER
DIRECTOR OF PLANNING & ZONING

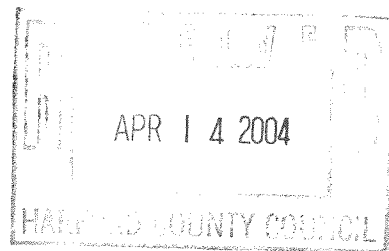
HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

April 13, 2004

STAFF REPORT

BOARD OF APPEALS CASE NO. 5409



APPLICANT/OWNER: John Lee Aksomitus
709 Heston Court, Bel Air, Maryland 21014

Co-APPLICANT: Kelly Collett Aksomitus
709 Heston Court, Bel Air, Maryland 21014

REPRESENTATIVE: Applicants

LOCATION: 709 Heston Court/Brentwood Park
Tax Map: 48 / Grid: 1E / Parcel: 194 / Lot: 58
Election District: Third (3)

ACREAGE: 0.18± acres

ZONING: R3/Urban Residence District.

DATE FILED: March 2, 2004

HEARING DATE: April 28, 2004

APPLICANTS' REQUEST and JUSTIFICATION:

Request:

"We respectfully request, first, a variance to build a second bay onto an existing attached, single bay garage. This requires building into the side setback (25ft) by 9 feet. Secondly, a minor variance to build a family room to the rear of our home, replacing the existing deck. This requires building into the rear setback (30ft) by 3 feet."

Preserving our values, protecting our future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

This document is available in alternative format upon request.

STAFF REPORT

Board of Appeals Case Number 5409

John & Kelly Aksomitus

Page 2 of 4

Justification:

“This property is unique as described in section 267-11, in that it is bordered by road on three sides and is subject to three setbacks. An additional garage bay would allow for storage of a personal car and belongings. This would also allow space for off street parking of an anticipated take home law enforcement vehicle. Two car garages dominate the neighborhood and this is our only option to add to our garage.

In reference to the minor variance to build three feet into the rear setback to add a family room onto our home, again the uniqueness of the property is described in Section 267-11. The family room is necessary for additional living space, the current space is restrictive due to the size of our family (2 adults and 4 children ages 8, 8, 5, and 3). Since the property is bordered by roads on the rear and side there would be no impact on neighbors.”

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-36B, Table VI of the Harford County Code to allow an addition within the 30-foot rear yard setback (27-foot proposed) and a variance to allow an addition to enlarge the existing garage within the required 25-foot front yard setback (16-foot proposed) in an R3/COS District.

Enclosed with the report is a copy of Section 267-36B, Table VI of the Harford County Code. (Attachment 1)

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants’ property is located in the Brentwood Park development off the south side of Vale Road. The subject lot is bordered by three roads, Brentwood Park Drive on the east side, Farrow Court on the south side and Heston Court on the west side. The lot is separated from Brentwood Park Drive by a 10-foot buffer strip (open space) and is therefore not subject to a front yard setback on that side. A location map and a copy of the Applicants’ site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located within the Development Envelope. The land use designations in the area include Low and Medium Intensities. The Natural Features map reflects parks and stream valley systems. The subject property is designated as Medium Intensity, which is defined by the 1996 Master Plan as:

Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per

STAFF REPORT

Board of Appeals Case Number 5409

John & Kelly Aksomitius

Page 3 of 4

acre. Grocery stores, and other commercial uses are examples of some of the more intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in the area conform to the overall intent of the Master Plan. The predominant land use is residential. Residential uses include conventional single-family dwellings, garden apartments, townhouses and condominiums. Commercial uses are generally found within the Town of Bel Air, and along MD Route 24. Brentwood Park has family dwellings, townhouses and condominiums. The topography for the area ranges from level to steep, especially near the stream valleys (Attachment 6). Enclosed with the report is copy of the aerial photograph (Attachment 7).

The Applicants' property is square in shape and approximately 0.18 of an acre in size. The lot slopes up gently from the road to the front of the house with the balance of the property basically level. Improvements consist of a two-story dwelling with an attached one-car garage. Other improvements consist of a concrete driveway, deck attached to the rear of the dwelling, children's play equipment in the rear yard and a 4-foot-high picket fence around the rear yard. The property is nicely landscaped and all improvements appear to be well maintained. Enclosed with the report are site photographs (Attachment 8).

Zoning:

The zoning patterns conform to the overall intent of the Master Plan. Residential zoning ranges from R1 to R3/Urban Residential Districts. The subject property is zoned R2/Urban Residential District as shown on the enclosed copy of the Zoning Map (Attachment 9).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-36B, Table VI of the Harford County Code to allow an addition within the 30-foot rear yard setback (27-foot proposed) and a variance to allow an addition to enlarge the existing garage within the required 25-foot front yard setback (16-foot proposed) in an R3/COS District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicants must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

STAFF REPORT

Board of Appeals Case Number 5409

John & Kelly Aksomitus

Page 4 of 4

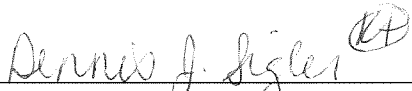
The Department has reviewed the request and visited the site and surrounding neighborhood. The Department finds that the subject property is not unique. The lot is basically square in shape with level topography. Based on the aerial photograph, the lot appears to be larger than those immediately surrounding in order to make up for being a corner lot. While there are dwellings in the surrounding community that have two-car garages, there appears to be as many homes with only one-car garages. There are seven houses on Heston Court with single-car garages and only three with two-car garages, which seems to be the general ratio throughout the development. The dwellings which have two-car garages were initially designed to accommodate the extra garage and meet the required setback. Enclosed is an enlargement of the aerial photograph (Attachment 10).

There are some dwellings in the vicinity which have extensions off of the rear of the dwelling, but not as large as that proposed by the Applicants. The Code states that no variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by the literal enforcement of the Code. A family room of 16-feet by 20-feet could be constructed without requiring a variance. The Applicants' dwelling is fairly large in comparison to others in the area.

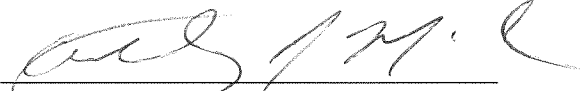
The town of Bel Air has reviewed the request and has no comments (Attachment 11).

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variances be denied.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/ka